

October 17, 2017

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

**Re: Notice of Ex Parte Presentation
GN Docket No. 14-177; IB Docket No. 15-256; RM-11664; WT Docket No. 10-112;
IB Docket No. 97-95**

Dear Ms. Dortch:

On Friday, October 13, 2017, Michele C. Farquhar and C. Sean Spivey, counsel to Nextlink Wireless, LLC ("Nextlink") spoke by phone with Rachael Bender, Wireless and International Advisor to Chairman Pai, regarding the above-referenced proceedings. Furthermore, on Monday, October 16, 2017, Michele C. Farquhar, Tom Peters and C. Sean Spivey, counsel to Nextlink, spoke by phone with Blaise Scinto, John Schauble and Simon Banyai of the Wireless Telecommunications Bureau regarding the above-referenced proceedings.

During the conversations, the Nextlink representatives urged the Commission to reallocate the LMDS A2 and A3 bands and B block for new Upper Microwave Flexible Use ("UMFU") licenses, as previously requested in this proceeding.¹ In particular, Nextlink explained how allocating the 28 GHz A1 band for UMFU service but not the other segments of the LMDS A block (*i.e.*, the A2 and A3 bands) will strand this spectrum and jeopardize investments made in the band to date. Nextlink noted that existing point-to-multipoint deployments use the A2 band for downlink and the "upper" A1 band for uplink. After the FCC issues county-based UMFU licenses for the A1 band, incumbent A2 and A3 band licensees will face significant equipment and other challenges deploying systems that meet customers' growing demands for high-bandwidth applications and cutting-edge technologies while also complying with the differing performance requirements, renewal frameworks and permanent discontinuance rules for the segmented band.

¹ See Comments of Nextlink Wireless, LLC, GN Docket No. 14-177, *et al.* at 9-11 (filed Sept. 30, 2016) ("Nextlink FNPRM Comments"); Reply Comments of Nextlink Wireless, LLC, GN Docket No. 14-177, *et al.* at 4 (filed Oct. 31, 2016) ("Nextlink FNPRM Reply Comments"); Petition for Reconsideration or, in the alternative, Clarification of Nextlink Wireless, LLC, GN Docket No. 14-177, *et al.* at 11-13 (filed Dec. 14, 2016) ("Nextlink Reconsideration Petition").

Nextlink added that the negative effects of LMDS band fragmentation may be amplified by the FCC's recent *Wireless Radio Services Reform Order*,² which could trigger the FCC's permanent discontinuance obligations in the remaining LMDS A block spectrum once the FCC issues UMFU licenses for the A1 band, absent additional FCC clarification or relief. Reallocating the remainder of the LMDS band for UMFU service would avoid this result.³ Alternatively, the FCC could harmonize the performance deadlines for the entire A block spectrum as previously proposed by Nextlink and provide any needed relief from the impending permanent discontinuance rules.⁴

Pursuant to Section 1.1206(b) of the Commission's rules, I am filing this letter electronically in the above-referenced docket. Please contact me directly with any questions.

Respectfully submitted,

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² See *Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 to Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services*, Second Report and Order and Further Notice of Proposed Rulemaking, FCC 17-105 (rel. Aug. 3, 2017).

³ See Nextlink FNPRM Comments at 3-4; Nextlink FNPRM Reply Comments at 5-6; Nextlink Reconsideration Petition at 11-13.

⁴ See Nextlink FNPRM Comments at 10-11; Nextlink FNPRM Reply Comments at 19; Nextlink Reconsideration Petition at 10-11.